

REMARKS

Claims 1-61 have been rejected by the non-final Office Action. After entry of the present amendment, claims 1-4, 6-13, 15, 17-29, 31-41, 43, 45-53, 55, and 57-61 remain pending in the application. The present amendment amends independent claims 1, 9, 22, 36, and 50, and dependent claims 4, 15, 17, 29, 31, 43, 45, 55, and 57 to clarify the respective scope of the claimed inventions. Claims 5, 14, 16, 30, 42, 44, 54, and 56 have been canceled by the present amendment. Reconsideration of the application in view of the present amendment and following remarks is respectfully requested.

Claim Rejections Under 35 U.S.C. § 102

In the non-final Office Action, claims 1-61 were rejected under 35 U.S.C. §102(e) as being anticipated by Goeller, et al., U.S. Patent Publication No. 2002/01788112 (“*Goeller*”). By the present amendment, independent claims 1, 9, 22, 36, and 50 have been amended to clarify that embodiments of the claimed inventions relate to processing financial transactions that are not eligible for electronic processing. In particular, independent claim 1 has been amended to include the element “wherein the two or more different manners comprise printing an image associated with the accounts receivable check from the electronic file, and subsequently processing the printed image via a federal clearing house for checks that are not eligible for the subsequent electronic processing,” (underlining supplied) which was subject matter of former dependent claim 5, now cancelled. *Goeller* neither discloses nor suggests this element, which is fully supported by the Applicants’ specification. Independent claims 9, 22, 36, and 50 have been similarly amended.

In general, all checks are not eligible for electronic processing, and it is up to the user to know the difference between an eligible-type check and an ineligible-type check. Typically, a check’s eligibility can be determined by its type, such as whether it is a personal or non-personal check, (see Paragraph [0120]), by how it is received, such as in a face-to-face or non-face-to-face manner, (see Paragraph [0005]), or by other criteria as described therein. These criteria, then, can be used to determine the method for processing the check. “As is generally known, the ACH [automated clearing house] typically processes electronic check transactions, and the FCH [federal clearing house] typically processes paper check transactions” that are not eligible for

electronic processing. (Paragraph [0082]). Consequently, given these different methods of processing as described by the disclosure and as illustrated by *Goeller*, a user or merchant would bear the burden of determining whether or not a check is eligible for electronic processing prior to converting it.

In *Goeller*, a merchant must know whether or not a check is subject to electronic processing prior to converting it. While *Goeller* states that it can accept “any personal check,” (*see Goeller*, Paragraph [0012]), from a merchant “that accepts consumer checks in payment for merchandise or services,” *Goeller* admits that “certain checks may not legally be used,” (*see Goeller*, Paragraph [0042]). As *Goeller* explains, “corporate checks, government checks, traveler’s checks, checks not linked to an ABA demand deposit account, checks drawn on invalid ABA numbers, etc.,” are not acceptable. *Id.* While *Goeller* says this result flows from applicable legal mandates, *see id.*, *Goeller* still requires a merchant to know all relevant legal mandates prior to converting a check for processing.

The Applicants’ claimed inventions, in contrast, enable a user, such as a merchant, to convert a check for electronic processing “without having the merchant determine whether or not the accounts receivable check is eligible for subsequent electronic processing.” (Paragraph [0007]). This is because, as amended, the claimed inventions of claims 1, 9, 22, 36, and 50 are able to process “checks that are not eligible for the subsequent electronic processing” (underlining supplied). Thus, no knowledge of relevant legal mandates is required on behalf of a merchant who uses the claimed inventions. (*See, e.g.*, Paragraphs [0136], [0220], and [0221], and Figs. 25-27).

The present Office Action cites *Goeller*, Paragraph [0057] as disclosing a system and method for processing checks not eligible for electronic processing. (*See, e.g.*, Page 3, Paragraph 4). *Goeller* does not disclose or suggest such a system or method. Instead, *Goeller* describes a number of options for authorizing payment of checks that, as described above, are already eligible for electronic processing (underlining supplied). These options include “Conversion Only,” “Verification with Conversion,” and “Guarantee with Conversion,” and they are chosen by the merchant according to his or her risk tolerance. (*See Goeller*, Paragraph [0040]). As *Goeller* describes, a merchant uses risk information provided by third parties, (*see Goeller*, Paragraph [0005]), to choose an authorization option corresponding to his or her risk objectives.

(See *Goeller*, Paragraph [0058]). These options do not correspond to systems and methods for processing checks not subject to electronic processing, and they neither disclose nor suggest such systems or methods.

For at least these reasons, independent claims 1, 9, 22, 36, and 50 should be allowable over the cited reference. Similarly, dependent claims 2-4, 6-8, 10-13, 15, 17-21, 23-29, 31-35, 37-41, 43, 45-50, 51-53, 55, and 57-61 are believed to be allowable since they ultimately depend from at least one of independent claims 1, 9, 22, 36, and 50 for which arguments of patentability have been provided above. If the underlying independent claims are in condition for allowance, the respective dependent claims should also be in condition for allowance as a matter of law notwithstanding the independent recitation of patentable features.

CONCLUSION

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,

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